C.S. 1002

1/4

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W. P. NO.3394 OF 2004

PETITIONER

Gaurav Vishwakarma, S/o Omprakash Vishwakarma, Aged about 25 years, R/o R/oCollegeRoad,Akalatara, Tahsil – Janjgir, District Janjgir – Champa [C.G.]

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through the Secretary, Department of Women & Child Development, Mantralaya, Dau Kalyan Singh Bhawan,Raipur[CG]

2. Pariyojana Adhikari, Mahila Avam Bal Vikas Pariyojana, Korba, District Korba [Chhattisgarh]

3. Zila Mahila Avam Bal Vikas Adhikari, Bilaspur District Bilaspur [C.G.]

4. State of Madhya Pradesh Through the Secretary, Department of Women & Child Development,Vallabh Bhawan, Bhopal [M.P.]

5. Union of India, through Secretary, Ministry of Personnel, Public Grievances & Pension (State Reorganization), 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi.

Received Copy
20/5/04
Given to Shri Vinay Hari Jr.
Sr. Cent Govt. S. Counsel.

P.R. No. 3380/04
Presented by Shri Saurabh Sharma
dated 20-5-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3394 of 2004

Petitioner Gaurav Vishwakarma

Versus

Respondents State of Chhattisgarh & others

Post for order on 6th May, 2006.

Sd/-
Satish K. Agnihotri
Judge

(61)

HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Writ Petition No.3394 of 2004

Gaurav Vishwakarma

-Versus-

State of Chhattisgarh & others

Present:

Shri Sanjay K. Agrawal, Advocate:	For petitioner.
Shri Sumit Verma, Panel Lawyer:	For respondents No.1 to 3.
None for respondent No.4.	
Shri S.K. Beriwal, Central Govt. Advocate:	For respondent No.5.

ORDER

(Passed on 6th May, 2006)

SATISH AGNIHOTRI, J.

1. The petitioner has filed this petition seeking a direction to the respondents to grant compassionate appointment on the ground that his mother late Smt. Sudha Devi Soni, who was working as Supervisor with the respondent No.2, died on 21.1.1995 in harness.

2. According to learned counsel for the petitioner, representations made by the petitioner for appointment on compassionate ground could not evoke any response from the respondents. Ultimately, the petitioner was constrained to file this petition on 20.9.2004. It is well established principle of law that the repeated representations cannot justify a belated approach.

3. The Supreme Court in the matter of **KARNATAKA POWER CORPORATION LTD. & ANR V. K. THANGAPPAN & ANR** reported in **2006 AIR SCW 1828** held as under:-

> "The factual position as noted above clearly shows that for nearly 2 decades the respondent No.1-workman had remained silent. As rightly pointed out by learned counsel for the appellants even in the representations made in 1997 and 1998 there was no reference to the representations claimed to have been made in 1982 and/or 1989. Even if that would have been made, there was considerable delay even in making the representations. There is no dispute that mere making of representations cannot justify a belated approach."

The petitioner has not explained inordinate delay in filing this petition.

(62)

4. The Supreme Court while considering the delay in filing applications, in the matter of **JAGDISH NARAIN MALTIAR V. THE STATE OF BIHAR AND OTHERS** reported in **(1973) 1 SCC 811**, has observed as under:-

> "Thus it was in August, 1963 that the appellant discovered that his services were really determined for gross misconduct. For nearly 3 years thereafter he kept on submitting one memorandum after another to the Government and it was not until late in 1966 that he filed a Writ Petition in High Court to challenge the order of removal. The memorials presented by him to the Government were in the nature of mercy petitions and he should have realized that in pursuing a remedy which was not duly appointed under the law he was putting in peril a right of high value and significance. By his conduct he disabled the High Court from exercising its extraordinary powers in his favour. We are therefore of the opinion that the High Court was justified in refusing to entertain the petition."

5. Subsequently, in the matter of **P.S. SADASIVASWAMI V. STATE OF TAMIL NADU** reported in **(1975) 1 SCC 152** the Supreme Court has observed as under:-

> ".....It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioners' petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal."

6. Having regard to the facts and circumstances of the case and in view of the observations made by the Supreme Court, the petition deserves to be and is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Barve